

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-v- :
:
MOISES LLUBERES, :
:
Defendant. :
:
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 7/2/2021

20-CR-493 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Defendant Moises Lluberes's ("Lluberes") supplemental submission regarding whether a *Monsanto* hearing is warranted. (Doc. 69.) I am also in receipt of the Government's response in which the Government indicates that Lluberes's supplemental submission meets the threshold showing required by *United States v. Bonventre*, 720 F.3d 126, 131–32 (2d Cir. 2013). (Doc. 70.) I agree that Lluberes has met the standard required for a *Monsanto* hearing; therefore, I grant Lluberes's request for such a hearing.

The Government also requests clarity on the scope of the hearing. Consistent with the Court's ruling in *Kaley v. United States*, 571 U.S. 320 (2014), this hearing will be limited to whether there is probable cause to believe that the funds liquidated from Lluberes's cryptocurrency account are properly forfeitable. See *United States v. Monsanto*, 924 F.2d 1186, 1203 (2d Cir. 1991). Accordingly, by on or before July 9, 2021, the parties are directed to file a joint submission with proposed dates for the hearing and to indicate whether the parties request that the hearing be in person.

SO ORDERED.

Dated: July 2, 2021
New York, New York


Vernon S. Broderick
United States District Judge